

DRAFT

**PROPOSED AIRBORNE TOXIC CONTROL MEASURE TO
LIMIT DIESEL-FUELED COMMERCIAL MOTOR VEHICLE
IDLING**

PRELIMINARY

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Adopt new section 2485 within Chapter 10 – Mobile Source Operational Controls, Article 1 – Motor Vehicles, Division 3. Air Resources Board, title 13, California Code of Regulations to read as follows:

Section 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.

- (a) **Purpose.** The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles.
- (b) **Applicability.** This section applies to diesel-fueled commercial motor vehicles with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways.
- (c) **Requirements.** The driver of any vehicle subject to this section shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in Subsection (d).
- (d) **Exceptions.**

This section does not apply for the period or periods during which:

- (1) a bus is idling for
 - (A) up to 10.0 minutes prior to passenger boarding, or
 - (B) when passengers are onboard;
- (2) idling is by a truck equipped with a sleeper berth that is actively being used for sleeping or resting before January 1, 2009 beyond 100 feet from any restricted area, and the primary engine is idling to operate a heater, air conditioner, or ancillary equipment;
- (3) idling when the vehicle must remain motionless due to traffic conditions, an official traffic control device, or an official traffic control signal over which the driver has no control, or at the direction of a peace officer;
- (4) idling when the vehicle is queuing that at all times is beyond 100 feet from any restricted area;

- (5) idling when forced to remain motionless due to immediate adverse weather conditions affecting the safe operation of the vehicle or due to mechanical difficulties over which the driver has no control;
- (6) idling to verify that the vehicle is in safe operating condition as required by law and that all equipment is in good working order, either as part of a daily vehicle inspection or as otherwise needed, provided that such engine idling is mandatory for such verification;
- (7) idling is mandatory for testing, servicing, repairing, or diagnostic purposes;
- (8) idling when providing a power source for equipment or operations, other than transporting passengers or propulsion, which involve a power take off or equivalent mechanism and is powered by the primary engine for:
- (A) controlling cargo temperature, operating a lift, crane, pump, drill, hoist, mixer, or other auxiliary equipment; or
 - (B) providing mechanical extension to perform work functions for which the vehicle was designed and where substitute alternate means to idling are not reasonably available;
- (9) idling when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency.

(d) Relationship to Other Law.

Nothing in this section allows idling in violation of other applicable law, including, but not limited to:

- (1) California Vehicle Code Section 22515;
- (2) Title 13, Section 2480, California Code of Regulations;
- (3) California Health and Safety Code Section 40720; or
- (4) any applicable ordinance, rule, or requirement as stringent as, or more stringent than, this section.

(f) **Enforcement.** This section may be enforced by the Air Resources Board; peace officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies' authorized representatives; and air pollution control or air quality management districts.

(g) **Penalties.** For violations of subsection (c), the driver of a subject vehicle is subject to a minimum civil penalty of 100 dollars and to criminal

penalties as specified in the Health and Safety Code and the Vehicle Code.

(h) **Definitions.**

The following definitions apply to this section:

- (1) "Bus" means any vehicle defined in Title 13, California Code of Regulations, Section 2480, subsections (h)(13)-(16), inclusive.
- (2) "Commercial Motor Vehicle" means any vehicle or combination of vehicles defined in Vehicle Code Section 15210(b) and any other motor truck with a gross vehicle weight rating of 10,001 pounds or more, except the following:
 - (A) a zero emission vehicle; or
 - (B) a pickup truck as defined in Vehicle Code Section 471.
- (3) "Driver" is as defined in Vehicle Code Section 305.
- (4) "Gross vehicle weight rating" is as defined in Vehicle Code Section 350.
- (5) "Highway" is as defined in Vehicle Code Section 360.
- (6) "Idling" means the vehicle engine is running at any location while the vehicle is stationary.
- (7) "Motor truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.
- (8) "Official traffic control device" is as defined in Vehicle Code Section 440.
- (9) "Official traffic control signal" is as defined in Vehicle Code Section 445.
- (10) "Primary diesel engine" means the diesel-fueled engine used for vehicle propulsion.
- (11) "Queuing" means (A) through (C)
 - (A) the intermittent starting and stopping of a vehicle;
 - (B) while the driver, in the normal course of doing business, is waiting to perform work or a service; and
 - (C) when shutting the vehicle engine off would impede the progress of the queue and is not practicable.

- (D) Queuing does not include the time a driver may wait motionless in line in anticipation of the start of a workday or opening of a location where work or a service will be performed.
- (12) "Restricted area" means any location zoned as residential, planned community, neighborhood-commercial or by a similar identifier that results in the planning area designated in whole or in part for individual or multifamily housing according to any local planning authority.
- (13) "Safety or health emergency" means:
- (A) a sudden, urgent, or usually unforeseen, occurrence; or
 - (B) a foreseeable occurrence relative to a pre-disclosed medical or physiological condition.
- (14) "Sleeper berth" is as defined in Title 13, California Code of Regulations, Section 1265.
- (15) "Vehicle" is as defined in the Vehicle Code Section 670.

Authority Cited: Sections 39600, 39601, 39658, 39614 (b) (6) (A), 39667, 39674, 43000.5 (d), 43013 (b), 43013 (h), 43018 (b), and 43018 (c), Health and Safety Code; and *Western Oil & Gas Assn. v. Orange County Air Pollution Control Dist.* (1975) [14 Cal.3d.411].

Reference: Sections 39002, 39003, 39027, 39500, 39600, 39650, 39655, 39656, 39657, 39658, 39659, 39662, 39665, 39674, 39675, 42403.5, Health and Safety Code; Sections 305, 336, 350, 440, 445, 545, 546, 642, 680, 21400, 22452, 22515, 27153, Vehicle Code; and Sections 1201, 1900, 1962, 2480, title 13, California Code of Regulations.